

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

WILLIAM LARRY MOORE,)	
)	
Plaintiff,)	
)	
v.)	CIV. ACT. NO. 2:20-cv-511-ECM
)	(WO)
GLENN MCGRIFF,)	
)	
Defendant.)	

MEMORANDUM OPINION and ORDER

On January 8, 2021, the Magistrate Judge entered a Recommendation that judgment be entered in favor of the Defendant and against the Plaintiff in this § 1983 action. (Doc. 14). On February 3, 2021, the Plaintiff filed objections to the Recommendation. (Doc. 17).

When a party objects to a Magistrate Judge's Report and Recommendation, the district court must review the disputed portions *de novo*. 28 U.S.C. § 636(b)(1). The district court "may accept, reject, or modify the recommended disposition; receive further evidence; or resubmit the matter to the magistrate judge with instructions." Fed.R.Civ.P. 72(b)(3). *De novo* review requires that the district court independently consider factual issues based on the record. *Jeffrey S. ex rel. Ernest S. v. State Bd. of Educ.*, 896 F.2d 507, 513 (11th Cir. 1990). *See also United States v. Gopie*, 347 F. App'x 495, 499 n.1 (11th Cir. 2009). However, objections to the Magistrate Judge's Report and Recommendation must be sufficiently specific in order to warrant *de novo* review. *See Macort v. Prem, Inc.*, 208 F. App'x 781, 783-85 (11th Cir. 2006). Otherwise, a Report and Recommendation is reviewed for clear error. *Id.*

The Court has carefully reviewed the record in this case, the Recommendation of the Magistrate Judge, and the Plaintiff's objections. In his objections, the Plaintiff challenges a search of a residence pursuant to a search warrant. In his complaint, the Plaintiff sued only the Circuit Court Clerk for the Circuit Court of Chilton County, Alabama, for failing to respond to his request for "a fast and speedy trial." (Doc. 1 at 5). The Plaintiff did not present any claims against the Circuit Court Clerk related to the search warrant, and he may not now amend his complaint by raising new claims in his objections to the Recommendation of the Magistrate Judge. *See Gilmour v. Gates, & Co.*, 382 F.3d 1312, 1315 (11th Cir. 2004) (citation omitted); *Dukes v. Deaton*, 852 F.3d 1035, 1046 (11th Cir. 2017).

The Court has reviewed the Plaintiff's objection, wherein he complains about the search of a residence, but he does not point to any legal error committed by the Magistrate Judge. He objects to the Report and Recommendation without adequate specificity and without clearly stating the bases for his objections. The lack of specificity in the Plaintiff's objections meriting review only for clear error, and the Court finds that the Plaintiff's objections are due to be overruled. Accordingly, upon an independent review of the file in this case, and for good cause, it is

ORDERED as follows that:

1. the Plaintiff's objections (doc. 17) are OVERRULED;
2. the Recommendations of the Magistrate Judge are ADOPTED;

3. this case is DISMISSED with prejudice prior to service of process pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and (iii).

A separate judgment will be entered.

DONE this 22nd day of February, 2021.

/s/ Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE